

PATENT

Attorney Docket No. 23853-A

REMARKS

Claims 57-61, 63-66 and 70-71 are allowed. Claims 62 and 67-69 are amended. The amendments do not introduce any new matter within the meaning of 35 U.S.C. §132. Accordingly, entry of the amendments is respectfully requested.

1. Rejection of claims 67-69 under
35 U.S.C. §112, first paragraph

Claims 67-69 are rejected under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In the Office Action, the Examiner states the following:

The specification does not contain "a derivative thereof" with regards to vitamin B complex, vitamin C and folic acid. Specification also lacks any disclosure of "pantothenic acid or a derivative thereof" and "sodium pantothenate".

Applicants respectfully traverse the Examiner's rejection. The Examiner is reminded that the purpose of the enablement requirement is to ensure the invention is communicated to the interested public in a meaningful way. See M.P.E.P. §2164. Further, the information contained in the disclosure must be sufficient to inform those skilled in the relevant art of how to both make and use the invention. Therefore, the test under 35 U.S.C. 112, first paragraph, for determining compliance with the enablement requirement is whether one skilled in the art could make or use the claimed invention from the disclosures in the patent coupled with information known in the art without undue experimentation. *Mineral Separation v. Hyde* 242 U.S. 261, 270 (1916); *United States v. Teletronics, Inc.*, 8 USPQ2d 1217 (Fed. Cir. 1988).

Applicants respectfully submit that 67 and 68 have been amended to delete the phrase "derivative thereof," therefore removing grounds for the non-enablement rejection of these claims in respect to this phrase.

The subject matter of the present invention is communicated to the interested public in a meaningful way, and fully meets the requirements of 35 U.S.C. §112, first paragraph. Both "pantothenic acid" and "sodium pantothenate" are properly enabled in the present application, specifically on page 18, lines 23-4, of the specification, where B complex vitamins are disclosed. One of reasonable skill in the art could practice the invention without undue experimentation using the present disclosure coupled with information known in the art. It is known in the art that both pantothenic acid and sodium pantothenate are members of "B complex vitamins" (see Merck Index, 12th Edition, page 1205).

Accordingly, Applicants respectfully request the Examiner to withdraw the rejection of claims 67-69.

2. Rejection of claims 62, 67-68 under
35 U.S.C. §112, second paragraph

Claims 62 and 67-68 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite. In the Office Action, the Examiner states the following:

Claims 62 and 67-68 are indefinite due to containing the term "a derivative thereof". It is unclear what is meant by "a derivative thereof". For example, in claim 62,

what is a derivative of a "monobactam" or "viral agent". The scope of claims can not be determined, when a broad term such as "a derivative thereof" is used.

Applicants respectfully traverse this rejection. Claims 62 and 67-68 have been amended to remove the phrase "a derivative thereof" thus rendering the claims definite and removing the grounds for this rejection.

Accordingly, Applicants respectfully request the Examiner to withdraw the rejection of claims 62 and 67-68.

CONCLUSION

Based upon the foregoing response and amendment, Applicants believe that this application is in condition for allowance. Therefore, the Examiner is respectfully and earnestly requested to favorably act and allow all pending claims presented herein for reconsideration. Favorable action with an early allowance of the claims pending in this application is earnestly solicited.

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The Examiner is welcomed to telephone the undersigned attorney if she has any questions or comments.

Respectfully submitted,

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